

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ALISON TORRES,

Petitioner,

v.

Case No.: 2:18-cv-358-FtM-38MRM

DEPARTMENT OF CORRECTIONS,

Respondent.

\_\_\_\_\_ /

**OPINION AND ORDER**<sup>1</sup>

This matter is before the Court on *sua sponte* review of the file. On January 23, 2020, this Court directed Petitioner to file an amended petition on the Court's printed form. (Doc. 23). The Court provided Petitioner with a reasonable opportunity to respond to the Order and Petitioner was put on notice that the case would be dismissed if he failed to comply. As of the date on this Order, Petitioner has neither complied with the Court's Order, nor sought an enlargement of time to do so. Thus, the Court finds Petitioner has failed to prosecute this case and that the case is due to be dismissed without prejudice under M.D. Fla. Rule 3.10(a).

Because the Court is dismissing this action without prejudice, Petitioner may file a new petition if he wishes to pursue his claim. However, Petitioner is cautioned that the statute of limitations on filing a petition for habeas corpus as set forth in [28 U.S.C. § 2244\(d\)\(1\)](#) is not stayed and will continue to run while he has no pending case.

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

Accordingly, it is now

**ORDERED:**

1. Petitioner Alison Torres case (Doc. 1) is **DISMISSED without prejudice**.
2. The Clerk of Court shall enter judgment accordingly, terminate any pending motions as moot, and close the file.

**DONE** and **ORDERED** in Fort Myers, Florida this 19th day of February 2020.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

SA: FTMP-2

Copies: All Parties of Record